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10/829,424

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Ari Tikka

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SQUIRE, SANDERS & DEMPSEY L.L.P.  
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EXAMINER

WHIPKEY, JASON T

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/829,424

Applicant(s)

TIKKA ET AL.

Examiner

Jason T. Whipkey

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Objections***

2. The amendment to the claims has overcome the claim objections. The claim objections are withdrawn.

### ***Claim Rejections - 35 USC § 112***

3. The amendment to the claims has overcome the rejections under 35 U.S.C. 112, second paragraph. The rejections under this section are withdrawn.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 6-8, 10-15, 17-20, 22-30, and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie (U.S. Patent No. 6,956,833) in view of Dom (U.S. Patent No. 6,166,735).

Regarding **claims 1, 12, 38, and 39**, Yukie discloses a communications system (see Figure 1) comprising:

at least one wireless terminal (wireless interface 12; see column 4, line 64, through column 5, line 4);

a video camera (user device 10 can be a video camera; see column 7, lines 36-47) coupled to the wireless terminal configured to provide the wireless terminal with a continuous data stream comprising at least video data (see *id.*);

a communications network (including Internet 22) with a wireless access network (a wireless connection is established with base station 14; see column 3, lines 29-41); and

data storage (data server 16) configured to connect to the communications network (see column 7, lines 36-47);

wherein the wireless terminal is configured to forward the data stream substantially instantly to the communications network wirelessly via said wireless access network (see *id.*),

wherein the communications system is configured to store the data stream forwarded to the communications network in the data storage (see *id.*), and

wherein the communications network comprises an enabling unit configured to enable the stored data stream to be viewed and/or edited by a user terminal (either user device 10 or terminal 26) connected to the communications network (see column 4, lines 23-39).

Yukie is silent with regard to dividing the data (stored after continuously streaming) into sections for viewing.

Dom discloses a system that stores video data on server 14 (see Figure 1) for access by clients 10 over a wired or wireless network (see column 7, lines 28-32 and 62-65), wherein:

the communications system is configured to divide the stored data into sections (the video is divided into segments either when it is stored or when it is retrieved; see column 8, lines 12-44) for viewing and/or editing of the stored data (a thumbnail representative of each segment is generated and displayed to a user for selection of a segment; see column 9, lines 4-10 and 26-28).

As stated in column 10, lines 5-7, an advantage of dividing a video into sections for displays is that the speed of retrieval is increased. For this reason, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to have Yukie's system divide a video for display.

Regarding **claims 2, 13, and 28**, Yukie discloses:

the continuous data stream provided by the video camera further comprises audio data and/or control data (see column 8, lines 22-26).

Regarding **claims 3, 14, and 29**, Yukie discloses:

the wireless terminal comprises a compressing unit configured to compress the data before it is transmitted over an air interface between the wireless terminal and access network (the camera encodes the image data into MPEG for MPEG2 format [see column 7, lines 52-53], which are inherently compressed formats).

Regarding **claims 4, 15, and 30**, Yukie discloses:

the compressing unit is configured to arrange to compress the data according to at least a moving picture experts group compression format (see column 7, lines 52-53) or a video compression format (see *id.*).

Regarding **claims 6 and 18**, Dom discloses:

the communications system is configured to provide a data sample (a group of thumbnails; see column 9, lines 26-28) of one or more sections for the user terminal connected to the communications network and to view (when a user clicks on a thumbnail, the desired section is downloaded; see column 9, lines 42-46, and column 10, lines 3-5) and/or edit the stored data based on the data samples.

Regarding **claims 7, 19, and 35**, Dom discloses:

the data sample of a section is a still picture (see column 9, lines 42-46).

Regarding **claims 8 and 20**, Dom discloses:

the communications system is configured to provide the user terminal with one or more links corresponding to one or more sections of the stored data (when a user clicks on a thumbnail, the desired section is downloaded; see column 9, lines 42-46, and column 10, lines 3-5).

**Claims 10, 22, and 36** can be treated like claims 1, 12, and 27, respectively. However, Yukie is silent with regard to using real time streaming protocol.

Official Notice is taken that it was well known in the art at the time the invention was made to use RTSP for viewing stored video. An advantage of doing so is that a stream can be controlled (e.g., play, pause, record) on demand. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system use RTSP.

**Claims 11, 23, and 37** can be treated like claims 1, 12, and 27, respectively. However, Yukie is silent with regard to using Session Initiation Protocol.

Official Notice is taken that it was well known in the art at the time the invention was made to use SIP for viewing video. An advantage of doing so is that it can be used with any transport layer. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system use SIP.

Regarding **claim 17**, Yukie discloses:

the communications network comprises a sending unit configured to send the stored data stream to a user terminal (either user device 10 or terminal 26) connected to the communications network (see column 4, lines 23-39).

Regarding **claim 24**, Yukie discloses:

the communication system comprises a server for connecting the data storage means to the communications network (data server 16 is a data storage means; see column 7, lines 36-47).

Regarding **claims 25 and 34**, Yukie discloses:

the wireless access network provides an air interface according to at least one of global systems for mobile communications, general packet radio service, enhanced data rates for global system for mobile communications evolution, wideband code division multiple access, wireless internet protocol (see column 5, lines 14-21), short range wireless communication, and wireless local area network.

Regarding **claim 26**, Yukie discloses:

the data storage comprises a mass memory device (including a fixed disk 124, a CD-ROM 126, "or other mass storage device"; see column 21, lines 45-47).

Regarding **claim 27**, Yukie discloses a wireless terminal (wireless interface 12; see column 4, line 64, through column 5, line 4) of a communications system (see Figure 1) comprising a communications network (including Internet 22) with a wireless access network (a



wireless connection is established with base station 14; see column 3, lines 29-41), the terminal comprising:

a receiving unit configured to receive a continuous data stream comprising at least video data from a video camera (user device 10 can be a video camera; see column 7, lines 36-47); and

a forwarding unit configured to forward the received continuous data stream substantially instantly to the communications network wirelessly via said wireless access network for storage (see column 7, lines 36-47).

Yukie is silent with regard to dividing the data (stored after continuously streaming) into sections for viewing.

Dom discloses a system that stores video data on server 14 (see Figure 1) for access by clients 10 over a wired or wireless network (see column 7, lines 28-32 and 62-65), wherein:

the wireless terminal is configured to view (a thumbnail representative of each segment is generated and displayed to a user for selection of a segment; see column 9, lines 4-10 and 26-28) and/or edit the stored continuous data stream such that, when the stored data is divided into sections (the video is divided into segments either when it is stored or when it is retrieved; see column 8, lines 12-44) for viewing and/or editing of the stored data, the wireless terminal is configured to receive a data sample of one or more sections (a thumbnail representative of each segment is generated and displayed to a user for selection of a segment; see column 9, lines 4-10 and 26-28) and to view (see *id.*) and/or edit the stored data based on the data samples.

As stated in column 10, lines 5-7, an advantage of dividing a video into sections for displays is that the speed of retrieval is increased. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system divide a video for display.

Regarding **claim 32**, Yukie discloses:

the wireless terminal comprises a video camera (user device 10 can be a video camera; see column 7, lines 36-47).

Regarding **claim 33**, Yukie discloses:

the wireless terminal comprises a coupling unit configured to couple the wireless terminal to an external video camera (wireless interface 12 is removable; see column 4, line 66, through column 5, line 4).

7. Claims 5, 16, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie in view of Dom and Takei (U.S. Patent Application Publication No. 2002/0057350).

**Claims 5, 16, and 31** can be treated like claims 1, 12, and 27, respectively. While Yukie discloses that image data can be stored before transmission (see column 7, lines 47-52), he is silent with regard to buffering the data in order to enable transmission error correction.

Takei discloses a wireless imaging device, wherein:

the wireless terminal (camera unit 102) comprises a buffer (buffer memory 414) configured to buffer the data in the wireless terminal before it is transmitted over the air interface between the wireless terminal and access network in order to enable transmission error correction (see paragraph 83).

An advantage of buffering data in order to enable error correction is that the image-generating components of the camera need not pause operation in order to correct an unexpected error. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system buffer data in order to perform error correction.

8. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukie in view of Dom and Anderson (U.S. Patent No. 6,683,649).

**Claims 9 and 21** can be treated like claims 1 and 12, respectively. However, Yukie is silent with regard to performing editing.

Anderson discloses an imaging device, wherein:

the editing of the stored data (see column 9, lines 14-18) comprises one or more of the following: deleting one or more of the sections, changing the order of the sections, copying one or more of the sections (clips may be copied, moved, or deleted; see column 14, lines 28-29).

As stated in column 14, line 67, through column 15, line 4, an advantage of editing data on a camera is that the user need not have access to a PC. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Yukie's system perform editing functions.

*Conclusion*

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:30 A.M. to 6 P.M. eastern standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye, can be reached at (571) 272-7372. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTW

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January 11, 2008



LIN YE  
SUPERVISORY PATENT EXAMINER